

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CARLOS PERRY,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-CV-287-HBG
)	
STATE FARM INSURANCE CO.,)	
)	
Defendant.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73 of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 11].

Now before the Court is Plaintiff's Amended Complaint [Doc. 18] and Defendant's Response [Doc. 19] in opposition. Plaintiff filed an Amended Complaint, which appears to add a cause of action and increase his request for damages. Defendant has objected to the Amended Complaint, stating that Plaintiff failed to follow Federal Rule of Civil Procedure 15. In addition, Defendant states that Plaintiff has added a new cause of action and increased his ad damnum by an additional \$125,000. Defendant argues that adding these amendments so close to the June 2019 trial will be manifestly unfair and prejudicial.¹

Pursuant to Federal Rule of Civil Procedure 15, "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Further, pursuant to Local Rule 15.1:

¹ The Court observes that Defendant requested a trial continuance, which the Court has granted. The trial in this matter is currently scheduled for January 21, 2020.

A party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the Motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, reproduce the entire pleading as amended and may not incorporate any prior pleading by reference. A failure to comply with this rule may be grounds for denial of the motion.

E.D. Tenn. L.R. 15.1.

In the instant matter, Plaintiff filed an Amended Complaint [Doc. 18], without filing a motion or obtaining Defendant's consent. Pursuant to Rule 15(a), Plaintiff must have the Court's permission to file his Amended Complaint or Defendant's written consent. Further, Plaintiff failed to reproduce the entire pleading as amended in accordance with Local Rule 15.1.

Accordingly, because of the above procedural deficiencies, the Court hereby **STRIKES** Plaintiff's Amended Complaint [**Doc. 18**]. Plaintiff may move to amend his Complaint or obtain Defendant's written consent to file his Amended Complaint. Further, Plaintiff **SHALL** comply with Local Rule 15.1 and attach a copy of the entire Complaint as amended.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge